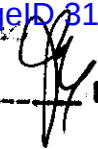


IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF TENNESSEE  
WESTERN DIVISION

FILED BY  D.C.

THOMAS M. GOULD  
CLERK, U.S. DISTRICT COURT  
W/D OF TN, MEMPHIS

UNITED STATES OF AMERICA,

Plaintiff,

v.

No. 05-20142 B

CALVIN MCNARY,

Defendant.

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ORDER DENYING DEFENDANT'S PRO SE REQUEST FOR BOND  
AND SUPPRESSION HEARING

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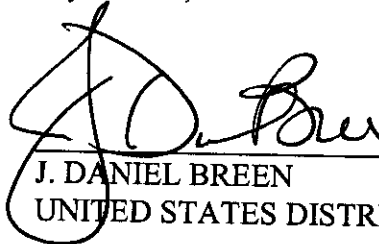
Before the Court is the June 20, 2005 pro se motion of the Defendant, Calvin McNary, for bond and a suppression hearing. Under the local rules of this district,

[a] party represented by counsel who has appeared in a case may not act on his or her own behalf unless that party's attorney has obtained leave of the court to withdraw as counsel of record, provided that the court may, in its discretion, hear a party in open court, notwithstanding the fact that the party is currently represented by counsel of record.

LR83.1(d), Local Rules of the U.S. Dist. Ct. for the W. Dist. of Tenn. (the "Local Rule").

According to the docket, counsel was appointed to represent the Defendant on the same day the instant motion was filed. McNary, by invoking his right to be represented by counsel, waived his right to represent himself. As a consequence, the request, which appears to have been prepared and filed without the aid of or adoption by his Court-appointed counsel, violates the Local Rule. Accordingly, the motion is DENIED.

IT IS SO ORDERED this 30<sup>th</sup> day of June, 2005.



J. DANIEL BREEN  
UNITED STATES DISTRICT JUDGE



## Notice of Distribution

This notice confirms a copy of the document docketed as number 35 in case 2:05-CR-20142 was distributed by fax, mail, or direct printing on July 1, 2005 to the parties listed.

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Honorable J. Breen  
US DISTRICT COURT